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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,306

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Miguel Gonzalez Escobar

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10/01/2008

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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

10/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO@WOLFBLOCK.COM

Office Action Summary	Application No. 10/575,306	Applicant(s) GONZALEZ ESCOBAR, MIGUEL	
	Examiner YEWEBDAR T. TADESSE	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/11/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 1, line 23 the phrase "Model no." is mistyped. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are under 35 U.S.C. 102(b) as being anticipated by Gorman (US 5,672,206).

Regarding claim 1, Gorman discloses (see Figs 5-9) a toilet paper roll holder, of the type comprising a casing (see Fig 8) which includes means for supporting the paper roll and means for supplying a liquid dampening the paper, wherein the means for supplying a liquid consist of a dosing element partially closed of a rechargeable type which is snapped into the casing.

As to claim 2, in Gorman the casing comprises of a housing (see Fig 8) located in the upper part of the roll holder that allows placing the dosing element.

With respect to claim 3, Gorman discloses a plurality of orifices (94) for the distribution of the liquid.

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As to claim 4, Gorman teaches stop means (the holder 16 with the base member 26 retaining the roll) capable of preventing the paper roll from revolving.

4. Claims 1-3 and 6-8 are under 35 U.S.C. 102(b) as being anticipated by Thorsbakken (US 6,170,426).

As to claims 1-2, Thorsbakken discloses (see Figs 1-2) a toilet paper roll holder, of the type comprising a casing (housing 18) which includes means for supporting the paper roll and means for supplying a liquid dampening the paper, wherein the means for supplying a liquid consist of a dosing element partially closed of a rechargeable type which is snapped into the casing in the upper part of the roll holder.

With respect to claim 3, Thorsbakken discloses a plurality of orifices (46 see Fig 6) for the distribution of the liquid.

With respect to claims 6 and 8, Thorsbakken discloses a hinged retractable or folding lid located in the lower part of the housing for the dosing element and in the upper part of the casing which includes guide means (see Fig 1) for the path of the toilet paper.

Regarding claim 7, Thorsbakken discloses serrated portion (cutting bars 40) to facilitate the cutting of the paper.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 6 -8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gorman (US 5,672,206) in view of Thorsbakken (US 6,170,426) or Agamaite, Jr. (US 2,560,061).

With respect to claims 6 and 8, Gorman lacks teaching a hinged retractable lid. Thorsbakken discloses a hinged retractable or folding lid located in the lower part of the housing for the dosing element and in the upper part of the casing which includes guide means (see Fig 1-2) for the path of the toilet paper. Agamaite, Jr. also discloses (see Figs 1-2) a hinged cover (11). It would have been obvious to one of ordinary skill in the art at the time the invention to include a hinged retractable lid to easily access the interior portions of the casing.

Regarding claim 7, Gorman lacks teaching a serrated portion. Thorsbakken discloses serrated portion (cutting bars 40) to facilitate the cutting of the paper. It would have been obvious to one of ordinary skill in the art at the time the invention to include a serrated portion to cut the desired size of the paper web.

Allowable Subject Matter

8. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: Gorman lacks teaching the type of the stop means. Morano (US 5,135,179) teaches stop means consisting of a device formed by a pin (brake member 15), which includes breaking teeth 115 on the axle (93) interlocking with the braking teeth 49 on the sleeve (19) to stop the sleeve and thus the roll from rotation. Morano does not specifically teach an elastic spring introduced between ribs of an axle for supporting the roll. In any event, Gorman teaches that the system disclosed by Morano is not suitable for the invention described thereof (see column 1, lines 10-17). Prior art of record does not disclose or suggest a toilet paper roll holder comprising, among others, means for supporting the paper roll; means for supplying liquid and stop means; wherein the stop means includes an elastic spring which is introduced between ribs of an axle for supporting the roll.

10. The claim limitations means for supporting the paper roll; means for supplying liquid and stop means (see claims 1-5) are being treated under 35 USC 112-6th paragraph.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to YEWEBDAR T. TADESSE whose telephone number is (571)272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yewebdar T Tadesse/
Primary Examiner, Art Unit 1792